

**Amendments to the Drawings**

In accordance with 37 CFR § 1.121(d)(1), attached hereto is one annotated sheet depicting a change made to drawing Figure 3. The attached Figure 3 has been amended to correct the reference number associated with the reentrant shoulder feature.

Also attached hereto is one replacement sheet of drawings, incorporating the changes made to Figure 3, which replaces the drawing figure originally submitted with the application.

**Remarks**

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, claims 1-11, the abstract of the disclosure, and the drawing figures have been amended. Claim 12 has been added. Claims 1-12 are now pending in the application. Claims 1 and 12 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The drawing figures have been amended as described above in the "Amendments to the Drawings" section. The claims have been amended to more fully comply with U.S. practice.

New claim 12 has been added to further define the scope of protection sought for Applicant's invention.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) - Hockerson

Claims 1, 2, 6, 7, 10, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 4,322,895 to Hockerson. Claims 1-7, 10, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 4,580,359 to Kurrash et al. (hereinafter "Kurrash"). Claims 1-7 and 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,205,683 to Clark et al. ("Clark").

Each of the rejections under § 102(b) is respectfully deemed to be obviated. For at least the following reasons, the disclosures of the aforementioned references do not anticipate Applicant's invention as presently claimed.

Instant claim 1 defines a item of footwear that includes "an upper, a front cap, a heel cap, and a sole part, the front cap, the heel cap, and the sole part being preformed parts that are interconnected and the sole part being an anatomically shaped foot bed." Applicant uses a preformed toe part, a preformed heel part, and an ergonomically shaped foot bed as parts of the sole construction in order to provide an exactly reproducible boot volume when the boot is produced.

Each cited reference discloses an item of footwear that is structurally different from Applicant's claimed invention. None of the cited references discloses Applicant's claimed feature of "the front cap, the heel cap, and the sole part being preformed

parts that are interconnected and the sole part being an anatomically shaped foot bed."

Since Hockerson, Kurrash, and Clark do not meet each feature of the presently claimed invention, none of the references anticipates the invention defined by Applicant's instant claims 1-11.

35 U.S.C. § 103(a) - Chen, Clark, and Kurrash

Claims 1, 2, 4, and 7-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 2003/0208931 of Chen in view of Clark or Kurrash.

The rejection is respectfully deemed to be obviated. The combined disclosures of Chen, Clark, and Kurrash would not have rendered obvious Applicant's presently claimed invention because they do not disclose each feature of the claimed invention.

Chen is directed to providing an ergonomically shaped foot bed in at least the heel region of the sole construction. As indicated above, however, Applicant's instant claim 1 defines a item of footwear that includes "an upper, a front cap, a heel cap, and a sole part, the front cap, the heel cap, and the sole part being preformed parts that are interconnected and the sole part being an anatomically shaped foot bed." Furthermore, there is simply no teaching in any of the references that would have led one to select the references and combine them in a way that would


produce the invention defined by any of Applicant's presently pending claims.

New claim 12 has been added to further define the scope of protection sought for Applicant's invention. New claim 12 is also allowable. Since independent claim 12 includes at least the features discussed above with respect to the rejection over Hockerson, Kurrash, and Clark, the references neither anticipate nor would have rendered obvious the footwear defined by claim 12.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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Annotated Sheet Showing Changes

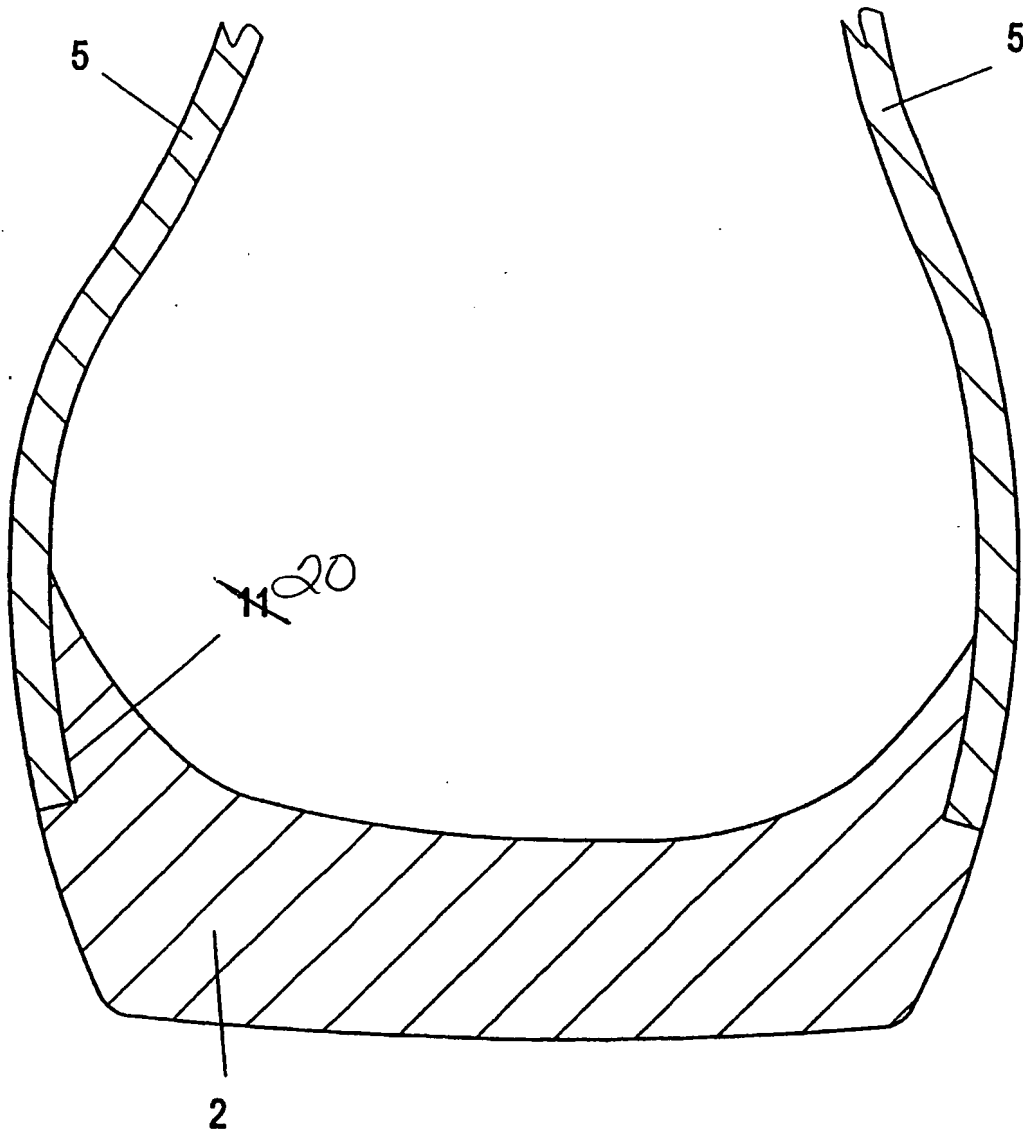


FIG. 3